

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance  
(916) 322-5662

• • Administration • •  
322-5660

• • Executive/Legal • •  
322-5901

• • Enforcement • •  
322-6441

• • Statements of Economic Interest  
322-6444

April 10, 1985

Assemblyman Bill Jones  
c/o District Office  
1441 So. Mooney Blvd., Suite "D"  
Visalia, CA 93277

Re: Your Request for Advice  
Our No. A-85-074

Dear Assemblyman Jones:

You have written requesting advice regarding Chapter 1681, Statutes of 1984 (AB 2992 Waters) as it applies to members of city councils or boards of supervisors who act as members of the board of a Local Agency Formation Commission (LAFCO). Chapter 1681 amended Government Code Section 84308 in several respects.

As originally enacted Section 84308 applied only to "quasi-judicial boards or commissions" and did not include "legislative bodies such as city councils, county boards of supervisors," etc. The Fair Political Practices Commission considered the question of whether LAFCOs were covered by Section 84308 (Curriel Opinion, 8 FPFC Opinions 1, copy enclosed) and concluded that under the wording of Section 84308 they were not covered, because their decisions were quasi-legislative in nature rather than quasi-judicial. The Commission was dissatisfied with the policy implications of the conclusion it reached; however, it felt compelled to reach that conclusion based upon the law.

The Commission introduced legislation (AB 2992 Waters) to make a series of changes in the law, among them to alter the coverage of Section 84308 so that it is no longer limited to quasi-judicial boards or commissions and instead now includes

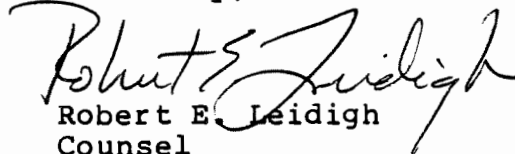
Assemblyman bill Jones  
April 10, 1985  
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all agencies, with certain specified exceptions.<sup>1/</sup> LAFCOs do not fit within any of these exceptions and, hence, are covered as a result of Chapter 1681, see enclosed copy of regulation 2 Cal. Adm. Code Section 18438.1.

As a result of being covered by the amended version of Section 84308, a councilmember or supervisor who sits on a LAFCO board may become subject to the restrictions contained in Section 84308 regarding campaign contributions and campaign contributors.

I trust that this letter has responded to your basic question regarding Chapter 1681. However, the specific application of these restrictions will depend upon the specific facts of a given situation and it is very difficult to provide further advice in the absence of concrete facts. If your constituent desires further clarification, a further statement of the facts would be of great assistance. If you have further questions, please do not hesitate to call on us. I may be reached at (916) 322-5901.

Sincerely,

  
Robert E. Leidigh  
Counsel  
Legal Division

REL:plh  
Enclosure

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1/ Subsection (a) (3) of Section 84308 reads as follows:

(a) The definitions set forth in this subdivision shall govern the interpretation of this section.

\* \* \*

(3) "Agency" means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

SACRAMENTO ADDRESS  
State Capitol  
Sacramento, CA 95814  
TELEPHONE: (916) 445-2931

DISTRICT OFFICE  
1441 So. Mooney Blvd.  
Suite "D"  
Visalia, CA 93277  
TELEPHONE: (209) 734-1182

DISTRICT OFFICE  
State Building-Suite 3048  
2550 Mariposa Avenue  
Fresno, CA 93721  
TELEPHONE: (209) 237-0253

FROM: Porterville, Dinuba, Exeter,  
Three Rivers and Springville  
ENTERPRISE: 18463

Assembly  
California Legislature

BILL JONES  
ASSEMBLYMAN, THIRTY-SECOND DISTRICT  
VICE CHAIRMAN  
ASSEMBLY LABOR & EMPLOYMENT COMMITTEE  
VICE CHAIRMAN  
ASSEMBLY RURAL CAUCUS

COMMITTEES:  
Aging & Long Term Care  
Agriculture  
Labor & Employment  
Public Investments,  
Finance & Bonded  
Indebtedness

Rural Caucus

Joint Committee Refugee,  
Resettlement, and  
Immigration

REPLY TO:

- ☐ Sacramento  
☒ Visalia  
☐ Fresno

March 20, 1985

Fair Political Practices Commission  
1100 "K" Street  
Post Office Box 807  
Sacramento, California 95804

Attention: Don Stanford, Chairman

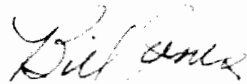
Dear Mr. Stanford:

A constituent has asked for information pertaining to the Government Code, Chapter 1681, as it pertains to members of the City Council and/or Board of Supervisors acting as members of the Board of LAFCO.

Will you please advise my office regarding this matter. Is there a conflict in serving on the LAFCO Board if they have received contributions for their campaigns from LAFCO?

Your attention to this matter is greatly appreciated.

Sincerely,



BILL JONES

BJ:bw